

PROCEEDINGS OF THE COMMISSIONER OF COMMERCIAL TAXES
(KARNATAKA), BANGALORE

Present: Sri Pradeep Singh Kharola, IAS,
Commissioner of Commercial Taxes.

Sub: KVAT Act, 2003 – Constitution of Authority for
Clarification and Advance Rulings – reg.

PREAMBLE:

Section 60 of the Karnataka Value Added Tax Act, 2003 provides that the Commissioner may constitute an “Authority for Clarification and Advance Rulings” consisting of at least three Additional Commissioners to clarify the rate of tax in respect of any goods or the exigibility to tax of any transaction or eligibility of deduction of input tax or liability of deduction of tax at source under the Act, in respect of any case or class of cases as the Commissioner may specify.

2. The corresponding rule 165 of Karnataka Value Added Tax Rules, 2005 provides that the Commissioner may constitute an Authority consisting of at least three Additional Commissioners as members in respect of any application filed and authorize the senior most member to act as the Chairman.

3. In view of the above provisions, many dealers have filed applications seeking clarification and advance rulings on rate of tax on goods and exigibility to tax of transactions and eligibility of input tax deduction which are required to be examined and clarification / advance ruling is to be given in each case.

4. Thus, there is a need for constitution of an “Authority for Clarification and Advance Rulings” in the interest of administration. Constitution of the Authority will help to resolve and clarify several issues raised by the tax payers which would otherwise lead to unnecessary and avoidable litigations. This will also help in achieving uniformity in levy of tax under the Karnataka Value Added Tax Act by the departmental officers. Clarifying rate of tax and giving a ruling on a transaction in advance will help the tax

payers in arranging their affairs keeping in view the liability to tax in respect of the goods / transactions they are going to effect.

5. Hence, the following:

ORDER No.EST1/GPCR-142/10-11, Date: 18.2.2011

(i)“Authority for Clarification and Advance Rulings” is constituted.

(ii)The Public Relations Officer in the office of the Commissioner of Commercial Taxes shall be the Secretary of the Authority. He shall receive applications for Clarification and Advance Rulings and also carry out all the functions specified in rules 163 to 165 of the Karnataka Value Added Tax Rules, 2005.

(iii) The following Additional Commissioners shall be the members of the Authority for the purpose of disposing of the applications filed for Clarification and Advance Rulings till the date of this order.

(a)Smt.Kavery Monnappa,

Additional Commissioner of Commercial Taxes (Head Quarters-II)

(b)Sri A.C.Surya Prakash,

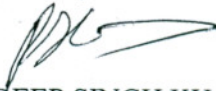
Additional Commissioner of Commercial Taxes (Policy & Law)

(c)Sri Puttegowda,

Additional Commissioner of Commercial Taxes (Intelligence & Co.ordination)

Senior most member is authorized to act as the Chairperson of the Authority.

(iv)The Authority shall come into existence with immediate effect and shall function as per the provisions of Section 60 of the Karnataka Value Added Tax Act, 2003 read with rules 163 to 165 of the Karnataka Value Added Tax Rules, 2005.


(PRADEEP SINGH KHAROLA)
Commissioner of Commercial Taxes,
(Karnataka), Bangalore.